

ESTTA Tracking number: **ESTTA165835**

Filing date: **10/01/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92047976
Party	Defendant Arena, Sylvester J.
Correspondence Address	Arena, Sylvester J. PO Box 3570 Paso Robles, CA 93447 UNITED STATES
Submission	Answer
Filer's Name	Sylvester Arena
Filer's e-mail	vendors@sylpix.com
Signature	/Sylvester Arena/
Date	10/01/2007
Attachments	USPTO_Response_071001.pdf (1 page)(47123 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark Registration No. 3125129
For the mark "Garden Organics"
Date registered: August 1, 2006
Cancellation No. 92047976

Kathleen Hiraga, an individual

v.

Sylvester J. Arena, an individual

ANSWER TO PETITION TO CANCEL

Respondent:

Sylvester Arena, an individual
2070 West Highway 46
Paso Robles, California 93446

Respondent requests that the Petition to Cancel be dismissed on the following grounds:

- (1) Respondent continues to use the mark "Garden Organics" in commerce.
- (2) Respondent will submit evidence to this fact in early November, 2007 -- namely that Garden Organics® products are shown on pages 22 and 45 of the Edmunds' Roses mailorder catalog for 2007-2008 (Edmunds' Roses, 335 S. High Street, Randolph, WI 53956). The Edmunds' catalog is mailed to more than 70,000 homes in the United States in late 2007 and early 2008. PDFs of the preliminary layouts for these pages are attached for reference. The actual catalog will be submitted as evidence once printed in November, 2007.
- (3) The Respondent has submitted the requisite forms to the USPTO to change the address of record for this matter and for the registration of the mark to: 2070 West Highway 46, Paso Robles, CA 93446.
- (4) This Answer is submitted within 40 days of the Mailing Date (envelope postmarked August 23, 2007).

By:



Sylvester Arena
2070 West Highway 46
Paso Robles, California 93446
Tel: 805-550-4514

Date: October 1, 2007